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DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial report of States parties

GEORGIA*

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INTRODUCTION

1. This is an initial report, which was prepared in accordance with the requirements of article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as "the Convention"), and it reflects the de facto implementation of the provisions of the Convention by a State party. The report covers the period from November 1994 up to the date of its submission.

2. During the reporting period, Georgia acceded to the following International Labour Organization (ILO) conventions.

Convention No. 52 concerning Annual Leave with Pay;

Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

Convention No. 103 concerning Maternity Protection;

Convention No. 111 concerning Discrimination in Respect of Employment and Occupation;

Convention No. 122 concerning Employment Policy;

Convention No. 138 concerning Minimum Age for Admission to Employment.

3. The report was prepared by a group of experts on instructions from the Deputy Secretary for Human Rights Protection of the National Security Council of Georgia, pursuant to Presidential Order No. 593 of 27 November 1997. The report is based on materials provided by State legislative and executive bodies and on information from non-governmental organizations and mass media publications.

4. The Constitution of Georgia is annexed to this report.*

5. The areas covered by this report were dealt with in part in the initial reports of Georgia submitted under the International Covenant on Civil and Political Rights (CCPR/C/100/Add.1), the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.37) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/28/Add.1).

6. The late submission of this report can be attributed to the lack of a permanently functioning office specializing in the preparation of State reports.

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* The Constitution has not been included in the present document.

GENERAL MEASURES TO IMPLEMENT THE CONVENTION

7. Georgia acceded to the Convention in accordance with a decision of its Parliament of 22 September 1994, thereby assuming the obligation to implement its requirements. According to article 6 of the Constitution of Georgia, "the legislation of Georgia conforms with universally recognized principles and norms of international law; international treaties or agreements of Georgia which are not against the Constitution of Georgia have superior legal force in relation to internal normative acts".

8. Article 7 of the Constitution states: "Georgia recognizes and protects universally recognized human rights and freedoms as inalienable and supreme human values. The exercise of power by the people and the State are restricted by these rights and freedoms as direct active law".

9. Chapter II of the Constitution includes a spectrum of rights that relate, to a greater or lesser extent, to the provisions of the Convention. The Constitution "does not reject other universally recognized rights, freedoms and guarantees of the person and citizen which are not specified in it but arise from the principles of the present Constitution" (art. 39).

10. In particular, the Constitution of Georgia recognizes and guarantees the following rights and freedoms:

- the right to life (art. 15);
- the right to free personal development (art. 16);
- the inviolability of the honour and dignity of a person, including the prohibition of torture (art. 17);
- freedom of speech, thought, conscience, religion and belief (art. 19);
- the inviolability of the private life, place of residence or other possessions of a person (art. 20);
- the right to property and inheritance (art. 21);
- the right to free movement across the whole territory of the country and free choice of a place of residence, freedom to leave Georgia and (for citizens) freedom to enter Georgia (art. 22);
- the right freely to receive and disseminate information (art. 24);
- freedom of peaceful assembly (art. 25);
- the right to establish public organizations (art. 26);
- the right to work (art. 30);
- the right to education (art. 35);

- the right to appeal to a court for the protection of one's rights and freedoms (art. 42);

and other rights and freedoms.

11. Before and after acceding to the Convention, in the context of its ongoing legislative reform, Georgia enacted the following laws, which facilitate implementation of the provisions of the Convention:

- Citizenship Act (March 1993);
- Police Act (July 1993);
- Immigration Act (July 1993);
- Emigration Act (July 1993);
- Alien Temporary Entry, Stay and Departure Act (July 1993);
- Act on the Procedure for Considering Applications, Complaints and Appeals to State Bodies, at Enterprises, Establishments and Organizations (Irrespective of Their Organizational or Legal Form) (December 1993);
- Citizens' Associations Act (June 1994);
- Act on Social Protection of the Disabled (June 1994);
- Prevention of AIDS Act (March 1995);
- Psychiatric Care Act (May 1995);
- People's Defence Counsel Act (May 1995);
- Constitutional Court Act (January 1996);
- Consumer Protection Act (March 1996);
- Act on Ownership of Agricultural Land (March 1996);
- Displaced Persons Act (June 1996);
- Act on the Procedure for Registering and Establishing the Identity of Citizens of Georgia and Aliens Residing in Georgia (September 1996);
- Act on Social Protection for Families of Persons Who Died for the Territorial Integrity, Freedom and Independence of Georgia, Who Are Missing or Died from Wounds (December 1996);
- Act on Rules for Establishing the Minimum Living Standard (April 1997);

- Trade Unions Act (April 1997);
- Medical Insurance Act (April 1997);
- Education Act (June 1997);
- Act on Gatherings and Demonstrations (June 1997);
- General Courts Act (June 1997);
- Civil Code (June 1997);
- Code of Civil Procedure (June 1997);
- Adoption Act (October 1997);
- Code of Criminal Procedure (November 1997).

As a whole, the legislation currently in force in Georgia, including legislation from the Soviet period, sufficiently meets the requirements of the Convention.

12. The principal State institutions that deal, within the scope of their competence, with the areas covered by the Convention are: the Ministry of Education, the Ministry of Health, the Ministry of Internal Affairs, the Ministry of Social Protection, Labour and Employment, the Ministry of Education and the Ministry for Refugee and Resettlement Issues.

13. In October 1997, the first People's Defence Counsel (Ombudsman) was elected. Under the Constitution, he is entrusted with overseeing the protection of human rights and freedoms in the territory of Georgia. There are plans to set up a unit dealing with women's and children's issues in the People's Defence Counsel's office.

14. The parliamentary Subcommittee on Maternity and Childhood takes part in drafting bills that deal in one way or another with, or have a significant impact on, women's issues. Representatives of the parliamentary Committee on Human Rights and Ethnic Minorities are actively involved in this work.

15. There are in Georgia approximately 60 non-governmental organizations that deal to a greater or lesser extent with women's issues. The scope of their activities is rather broad (charity, job placement, cultural and educational work and so on). There are no exclusively feminist organizations in Georgia.

16. Insofar as a national programme on the elaboration of a policy for the protection of women's rights has not been adopted, there is no system for monitoring implementation of the provisions of the Convention. Certain steps in this direction are being taken within the framework of measures to implement the Presidential Decree of June 1997 on Measures to Strengthen Human Rights Protection in Georgia. An inter-agency commission headed by the Deputy Secretary of the National Security Council for Human Rights Protection has been

established. The commission deals with the elaboration of urgent organizational measures in the area of human rights, including women's rights.

17. Five hundred copies of an unofficial translation of the Convention into the State language (Georgian) have been published. The above-mentioned Presidential Decree provides for the publication, in the near future, of a compilation of international human rights instruments, which will include an official translation of the Convention.

18. The joint project of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Government of Georgia, on strengthening of capacities and infrastructure for protecting and promoting human rights (GEO/95/AHB/13), implementation of which began in December 1997, provides for the translation into Georgian and printing of 3,000 copies of the Convention.

19. The competent departments have studied this report and submitted their comments and suggestions regarding its content. This report is available to all interested non-governmental organizations.

Article 2

20. Under the Constitution, "all people from birth are free and equal before the law, regardless of race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social membership, origin, property and class status or place of residence" (art. 14). "Citizens of Georgia are equal in social, economic, cultural and political life, regardless of their language, nationality, ethnicity or religion" (art. 38, para. 1). "Aliens and stateless persons living in Georgia have rights and obligations equal to those of citizens of Georgia, except in cases covered by the Constitution and by law" (art. 47, para. 1).

21. The constitutional provisions on the equality of citizens before the law and the rights of aliens are consolidated in the Georgian Citizenship Act (arts. 4 and 8).

22. Under the Legal Status of Aliens Act, aliens (including stateless persons) in Georgia enjoy the same rights and freedoms and have the same obligations as citizens of Georgia. Aliens in Georgia are equal before the law, regardless of origin, race, sex, beliefs and so on; the State assumes responsibility for protecting the lives, personal inviolability, rights and freedoms of aliens in the territory of Georgia (art. 3).

23. The new Criminal Code (art. 146) establishes sanctions for acts that violate the equality of citizens; such sanctions take the form of a fine or imprisonment for a period of up to two years. If a crime of this nature involved the abuse of one's official position, or if it had serious consequences, it is punishable by imprisonment for a period of up to three years; in such cases, the person found guilty may be deprived of the right to hold a specific post for a period of up to five years.

24. Under the Education Act, everyone has the right to receive an education (art. 3), and the State is obliged to ensure equal conditions for receiving an education throughout the territory of the country (art. 39, para. 2). The principles of non-discrimination are also included in other acts of the Republic of Georgia.

25. In the system of legal protection, preference is given to judicial means and procedures. Under the General Courts Act, cases involving violations of the provisions of the Convention and relevant domestic legislation are examined according to general procedure. During the reporting period, no cases of judicial procedures to examine incidents involving discrimination against women on the basis of sex were recorded.

26. The joint project of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Government of Georgia, on strengthening of capacities and infrastructure for protecting and promoting human rights (GEO/95/AHB/13), provides for the training of representatives of legislative, judicial and executive bodies and non-governmental organizations in the field of human rights, including women's rights.

27. At present, civil servants do not receive training in gender-related issues. However, the Academy of the Ministry of Internal Affairs is preparing new programmes which, in addition to other disciplines, provide for training in gender-related issues.

Articles 3 and 4

28. For legislative guarantees of women's rights, see the section entitled "General measures to implement the Convention" and the comments on article 2 in this report. Specific programmes to improve the situation of women in diverse fields are considered in the comments on the relevant articles.

29. As a rule, there are no temporary special measures aimed at promoting women in various spheres in the State. This can be explained by the fact that, as indicated above, Georgian legislation guarantees the equality of men and women.

30. One exception is the establishment in the labour market of quotas for the hiring of non-competitive persons (single mothers and mothers of large families, disabled persons, persons of pre-retirement age and so on). Since women account for the greater part of this group, such measures can be considered "positive discrimination" insofar as they increase the number of jobs available to women. A similar situation occurs in the protection of women's health and employment. In all other cases, professionalism, competence and other universal, non-gender-related criteria are taken into account.

Article 5

31. In Georgian history and culture, women have traditionally been considered as homemakers and keepers of community and social values. It is considered that a particularly respectful attitude towards women developed in Georgia, which is reflected in historical monuments and works of art created throughout Georgian history. In such works, women are depicted not only as the object but also the

active subject of social relations (women politicians, women warriors and so on).

32. At the same time, Georgian society has developed a cult not so much of women as such, but rather of women as mothers, which, in particular, is reflected in Georgian vocabulary: the words for "queen" (dedophali), "earth" (dedamitsa), "essence" (deda azri) and other words contain the root deda ("mother"), which designates the female principle. The women's holiday in Georgia, which is observed on 3 March, is called "Mother's Day".

33. However, men have traditionally played the dominant role in Georgian society. In spite of the non-discriminatory provisions that exist in Georgian legislation, the asymmetry of men's and women's social roles, with the prevalence of the male principle, persists, especially in daily life. Thus, according to sociological data, working women have very little leisure time: most of their free time is spent on housework. Men spend two to three times less time on such work.

34. While there are a number of non-governmental organizations for women in Georgia (Georgian Women's Council, Inter-ethnic Coordinating Council of Women, and others), it is significant that not one of them deals with purely feminist issues. On the whole, these organizations focus on social and economic issues.

35. In Georgia's educational system, there are no special training or educational programmes aimed at overcoming negative stereotypes of the role of women in the family and society, since the generally accepted view is that problems of this kind are not typical for the country. Consequently, no consideration has been given to a review of school textbooks for gender stereotypes or to the gender-based differentiation of the learning process.

36. Under the Constitution, both men and women have the right freely to choose an occupation. In the field of employment, discrimination on the basis of sex is prohibited. The sex of a person is taken into account only in job placement and employment in categories of jobs in which female labour is prohibited. Such jobs are specified in the Labour Code. Workers are promoted or transferred to other jobs in accordance with their qualifications and merits. In the remuneration of labour, restrictions on the basis of ethnic origin, language, sex or other attributes are prohibited.

37. Under criminal legislation, the forcing of a woman to engage in sexual relations, including through the abuse of one's official position, is punishable by imprisonment for a period of up to three years. During the reporting period, no such incidents were recorded, and Georgian courts did not examine any cases involving such incidents.

38. According to existing information, approximately two thirds of the journalists working in the Georgian mass media are women. In recent years, there has been an increase in the number of women who head mass-media bodies (the press and electronic media) or who hold managerial positions and participate actively in the decision-making process in such bodies. The same holds true for the advertising business, which attracts young women (who work as designers, advertising agents and so on).

39. The practice of polygamy, bride price, the husband's repudiation of his wife, and so on, do not exist in Georgian society. There are, it is true, some data on the existence of such practices in certain regions of the country that are settled by Muslims. Unfortunately, at the time this report was submitted, no systematized information on the subject, or on the overall situation of women living in such regions, had been collected.

40. Article 36, paragraph 3, of the Constitution states that the "rights of motherhood and childhood are protected by law".

Article 6

41. The principal reason for the spread of female prostitution in Georgia is the sharp deterioration in the country's social and economic conditions since 1991. For more information about this situation, see Georgia's initial report under the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.37, paras. 182-195).

42. Under existing legislation, prostitution as such is not considered a criminal offence. At the same time, the keeping of brothels, the enticement of women into depravity and procuring are punishments of varying severity. In 1997, 10 incidents involving such offences were registered and criminal proceedings were instituted. Unfortunately, prostitution among minors has also increased. In 1997, 50 under-age girls found guilty of prostitution were registered with internal affairs agencies. The President's programme to prevent offences among minors includes the establishment for this group of a rehabilitation centre to which under-age prostitutes, in particular, will be sent.

43. In recent years, sex tourism has become widespread. According to Interpol data, in 1997 alone 98 female citizens of Georgia were arrested in Turkey and two were prosecuted for procuring. Four female citizens of Georgia were arrested for prostitution in Greece.

44. Since April 1997, the Georgian Ministry of Health has been carrying out a State programme to prevent sexually transmitted diseases. Research conducted under the programme has shown that sexually transmitted diseases are spread mainly by prostitutes. About half of the prostitutes sent by internal affairs agencies to the relevant medical institutions had syphilis, every fifth woman had gonorrhoea, and so on. In 1997, 1,842 syphilis patients, 756 of whom were women, and 940 cases of gonorrhoea (194 women) were registered.

45. Under the Criminal Code of Georgia, the production, distribution and sale of pornographic material are criminal offences and are punishable by imprisonment.

46. The State does not have statistics on violence against prostitutes. However, it should be noted that 41 cases of rape and 18 cases of attempted rape of women were registered in 1997, which was 13 per cent lower than the corresponding indicators for the previous year.

47. Since August 1995, the Ministry of Health has been carrying out a State programme to prevent and combat AIDS, which was developed on the basis of the recommendations of the World Health Organization's Global Programme to Combat AIDS. For details about the programme, see our comments on article 12 in this report.

Article 7

48. The procedure by which citizens exercise their electoral rights is laid down in article 28 of the Constitution and in the Elections to Parliament Act. All citizens of Georgia who have reached the age of 18 have the right to participate in referendums and elections to State and local government bodies. Any Georgian citizen who has reached the age of 25 and who has been residing continuously in the Republic for at least 10 years has the right to be elected to Parliament, regardless of race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social membership, origin, property and class status, and so on.

49. As has already been mentioned, Georgian legislation contains provisions that guarantee equality between men and women in the exercise of all civil and political rights. However, only an insignificant number of women hold administrative positions and posts in legislative and executive bodies. Only 16 women are members of Parliament (6.4 per cent of all deputies); one of those women is the leader of a coalition of factions of the parliamentary majority. One woman is Minister of the Environment and Ecology, five women are deputy ministers (culture, education, communications and postal service, finance, health) and one woman heads a district administration. Georgia has 70 women judges, who comprise 48 per cent of the entire judiciary. The Deputy Secretary for Human Rights on the National Security Council (an advisory body under the President of Georgia) is a woman, as is the Deputy People's Defence Counsel of Georgia. At present, there are no quotas on women's representation in public posts.

50. With a view to regularizing payment for work, a unified wage scale for organizations financed by the budget entered into force in 1994. On 5 September 1994, the Cabinet of Ministers of Georgia adopted Decision No. 631 on new working conditions for budget-sector staff on the basis of a unified wage scale.

51. The unified wage scale establishes salaries for the staff of executive bodies and other budget-carried organizations (education, culture, health and so on). It does not cover the salaries of persons employed in legislative bodies, the armed forces or law-enforcement agencies.

52. The salaries of budget-sector staff are established in a centralized manner, bearing in mind the rationalization of budget income and the structure of administrative organizations. In self-financing organizations and enterprises, salary questions are regulated on the basis of a labour contract or collective agreement. In setting salaries, the principle of equal remuneration for equal work is observed. In the remuneration of work, discrimination on the grounds of ethnic origin, sex or any other attribute is prohibited.

53. In accordance with labour legislation, when a woman is on maternity leave (before and after giving birth), her job is held for the entire period of her absence from work and her dismissal by the administration is prohibited.

54. Women are widely represented in political parties and other public associations. For example, one of Georgia's major political parties, the National Democratic Party, is headed by a woman. A number of non-governmental organizations dealing with a broad spectrum of issues are headed by women. Thirty-seven per cent of trade-union workers are women (11,346 women).

Article 8

55. Georgian legislation does not contain any restrictions on the appointment of women to diplomatic posts. Women enjoy the same rights as men with respect to the filling of vacant diplomatic posts. At present, 332 diplomats, including 89 women, work in the system of the Ministry of Foreign Affairs. One hundred and twenty diplomats, 16 of whom are women, work in embassies and in the mission of the Ministry of Foreign Affairs in Batumi. Three of the 16 departments of the Ministry are headed by women, two women are deputy directors of departments, five are heads of directorates, seven are deputy heads of directorates, and so on. One woman holds the post of Ambassador Extraordinary and Plenipotentiary. With regard to the Government's proposal of candidates to fill vacancies in international organizations, such appointments are, as a rule, made by those organizations themselves through general competitive examinations. The appointment of women as heads of delegations being sent abroad and the participation of women in international conferences, seminars and the like have become normal practice.

Article 9

56. Questions of citizenship in Georgia are regulated by the Citizenship Act, which contains requirements for the acquisition, renunciation or restoration or termination of citizenship that are the same for both men and women. The Act does not contain any additional gender-based conditions or requirements. With regard to the acquisition of citizenship as a result of marriage, the law provides that the person who contracted marriage with a citizen of Georgia and who has lived in Georgia for the last three years is eligible for Georgian citizenship, provided that that person speaks the State language and is familiar with Georgian history and legislation.

57. Restrictions on the granting of citizenship are in no way related to sex. Marriage to a foreigner does not result in an automatic change of citizenship. An application for acquiring citizenship or renouncing it is submitted by the interested person to the Georgian Ministry of Justice. Persons living abroad send the relevant application through representatives of Georgia or directly to the President. Decisions on questions of citizenship are taken by the board of the Ministry of Justice and are confirmed in the appropriate normative act (decree or order) of the President of Georgia. The President's decision may be appealed in the Supreme Court. The time-limit for considering and resolving citizenship questions may not exceed one year.

58. The citizenship of children is regulated by the Citizenship Act. A child both of whose parents are citizens of Georgia is considered a citizen of Georgia regardless of its place of birth. A child found in the territory of Georgia, both of whose parents are unknown, is considered a citizen of Georgia. If only one of the parents is a citizen of Georgia, the child is considered a citizen of Georgia if it was born in Georgian territory, born abroad but one of its parents is a permanent resident of Georgia, or if the other parent is a stateless person or is unknown. Children of stateless persons who are permanent residents of Georgia are citizens of Georgia if they were born in Georgian territory.

59. Change of citizenship by both parents entails a change in the citizenship of children under the age of 14; a change in the citizenship of a child between 14 and 18 years of age is permitted only with its consent. If one of its parents changes his or her citizenship, the child retains Georgian citizenship if it continues to live in Georgian territory. If one of the parents renounces Georgian citizenship and takes up permanent residence abroad with a child under the age of 14, the child loses its Georgian citizenship. Loss of citizenship by one parent does not change the child's citizenship.

60. If one of its parents acquires Georgian citizenship and the other is a stateless person, the child becomes a citizen of Georgia. A child who was not previously a citizen of Georgia and is adopted by a citizen of Georgia acquires Georgian citizenship.

61. If a child who is a citizen of Georgia is adopted by foreign nationals, it retains its citizenship unless its adoptive parents apply for a change in its status. In order to change the citizenship of a child in cases where such a change may be a consequence of a change in the citizenship of the parents, it is necessary to obtain the consent of children between 14 and 18 years of age. If its parents have different citizenship the child, upon reaching the age of majority, chooses, of its own free will, the citizenship of one of its parents.

Article 10

62. In its educational policy, the State considers that everyone has the right to an education and that the objective of education should be the all-round development of the individual and the affirmation of his or her worth, as well as the inculcation of respect for human rights and freedoms. Education should enable the individual to live and work in a free society, and should promote mutual understanding, tolerance and friendship among peoples and racial, ethnic and religious groups.

63. The right provided for in article 10 of the Convention is guaranteed by article 35 of the Constitution of Georgia, which states:

"1. All have the right to receive education and to choose its form.

"2. The State guarantees the conformity of educational programmes with international rules and standards.

"3. Pre-school education is guaranteed by the State. Primary education is obligatory. Basic education is provided at the expense of the State.

Citizens have the right to receive free of charge, in accordance with the procedure established by law and within established limits, secondary, vocational and higher education in State educational institutions.

"4. The State supports educational institutions in accordance with the law."

64. Since 1995, Georgia has been implementing a programme for reforming its educational system. The basic principles of the programme are:

- a single educational area;
- instruction and education in a spirit of humanism;
- respect for universal and national traditions;
- autonomy of the educational system;
- the systematic, uninterrupted, gradual and continuous nature of education;
- the democratic system;
- independence of education from political and religious associations.

65. In accordance with article 3 of the Education Act, everyone has the same right to an education. Restrictions on vocational education on the basis of personal attributes are permitted only in the instances covered by law.

66. For more information on women's exercise of their right to receive an education on an equal basis with men, see Georgia's initial report on its implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.37, paras. 308-349).

67. The Ministry of Education is developing primary vocational education programmes, and the Ministry of Social Protection, Labour and Employment is preparing vocational training and retraining programmes for the unemployed. Under these programmes, women are guaranteed opportunities on an equal footing with men with respect to retraining and the choice of a profession.

68. On the initiative of the Georgian Women's Council, the Amagdari association to promote women's employment was established in March 1996. The objective of the association is to provide work at home for unemployed women lacking social protection, create new jobs through the establishment of small enterprises, enhance the competitiveness and orientation of women in the job market, as well as their vocational retraining, training in economics and business, and develop social and vocational rehabilitation mechanisms.

69. One of the main areas of the State's health policy gives priority to primary health care, which first and foremost entails raising the population's awareness of basic health problems. Thanks to the mass media, information about health matters has increased significantly. Georgian radio and television have

special features that promote a healthy lifestyle and popularize medical knowledge.

Article 11

70. The right to work is guaranteed in articles 30 and 32 of the Constitution, which state that labour is free. In accordance with international agreements, the State promotes job placement for citizens who have lost their jobs and protects the labour rights of citizens of Georgia living abroad.

71. This area is governed by the Employment Act, which was adopted in 1991. Under the Act:

- all citizens of Georgia, regardless of race, ethnic origin, sex, religious convictions, political beliefs or property status have the right to work;
- conditions are being created to ensure maximum employment of citizens and to reduce unemployment;
- the social protection of unemployed persons is guaranteed.

72. The Employment Act also contains provisions that place restrictions on female labour. On the whole, employment legislation is incomplete and is currently being developed.

73. Chapter XII of the Labour Code regulates working conditions for women and places maximum emphasis on maternal and child care.

74. The Labour Code covers:

- restrictions on night work, overtime and business travel for women (art. 157);
- the reassignment of pregnant women and women with children up to the age of 18 months to lighter work (art. 158);
- pregnancy, childbirth and childcare leave (art. 159).

75. The use of female labour in jobs with unhealthy or hazardous conditions and jobs involving the lifting of weights that exceed the physiological norm, and so on, is prohibited.

76. The Labour Code also provides for:

- maternity leave for 70 calendar days before childbirth and 56 calendar days after childbirth;
- leave for women who adopt newborn children;
- infant-feeding breaks;

- additional leave without pay for mothers with children up to the age of three. This leave counts as part of the employee's total uninterrupted length of service, as well as training in her speciality (art. 161);

- guarantees in the hiring, and prohibition of the dismissal, of pregnant women and women with children up to the age of three, single mothers with children up to the age of 14 (or a disabled child up to the age of 16) and so forth (art. 161).

77. Women who have been employed in a job for at least one year (in the case of women under the age of 18, length of service is not taken into account) are granted, at their request, leave with partial pay to care for a child up to the age of 18 months. Working women with less than one year of service receive allowances amounting to half of their salary. The father or other relatives who actually take care of the child may avail themselves, in full or in part, of leave with partial pay and additional unpaid leave to care for a child. Under the Labour Code, an employee may be granted, at his or her request, short-term leave without pay to attend to family matters, which include caring for a sick child or other family members.

78. A special chapter of the Labour Code (chapter XIII) deals with specific working conditions for young people. In particular, it establishes the working age: from the age of 14, children, with the consent of one parent, may be employed in light work that is not harmful to their health and does not interfere with their education; from the age of 16, young people may be employed in normal work (art. 167). The Code provides for a 36-hour work week for manual and office workers between 16 and 18 years of age, and a 24-hour work week for young people between 15 and 16 years of age (and for students between 14 and 15 years of age who work during their holidays).

79. The Labour Code also provides for:

- benefits in the area of labour protection, working hours, leave for young people, and so on (art. 168);

- jobs for which persons under the age of 18 may not be hired (heavy work, work in unhealthy or hazardous conditions, work underground; such jobs are specified in legislation) (art. 169);

- the prohibition of night work or overtime for manual and office workers under the age of 18 (art. 171), and so on.

80. The normal work week for manual and office workers may not exceed 41 hours. Georgia has a five-day work week with two rest days. A six-day work week has been introduced at enterprises where, owing to working conditions and the nature of production, it is not expedient to have a five-day work week. In such cases, the workday may not exceed seven hours.

81. Labour is remunerated in accordance with the procedure and conditions established by labour legislation. In this regard, all forms of discrimination, including discrimination on the grounds of sex, are prohibited.

82. Office workers are guaranteed annual leave with average pay, without loss of their jobs.

83. Georgia's social security system provides for the payment of allowances to workers in accordance with the procedure established by law. Thus, a worker who is temporarily reassigned to other work owing to illness, physical injury, care of a sick family member, quarantine, treatment at a sanatorium or health resort or acquisition of a prosthetic appliance, receives an allowance equivalent to his or her salary. In the case of illness or physical injury, the allowance is paid until the worker is fit to return to work or certified as permanently disabled.

84. From age 60, women who have worked for at least 20 years have the right to an old-age pension. Disability pensions and pensions for the loss of a breadwinner are granted in cases where the disability of the worker or the death of the breadwinner was caused by a work-related injury or illness or a general illness or physical injury not related to work.

85. Women account for 53 per cent of all labour resources, and 46 per cent of these are currently employed. Twenty-three per cent of all working women work part-time. Fifty-two per cent of working women are employed in low-paying jobs. Most women are employed in agriculture (81.3 per cent); 13.1 per cent are employed in trade and everyday services, 1.4 per cent in education and medicine, and so on (data on women not engaged in wage labour). The distribution of women employed in wage labour by sector is as follows: education - 32.1 per cent, health care - 21.1 per cent, the service sector - 8.0 per cent, the processing industry - 6.3 per cent, and so forth.

86. The distribution of working women by age groups is as follows: 18 to 25 years of age - 372,500 women (19.6 per cent); 26 to 40 years of age - 518,100 women (27.2 per cent); 41 to 60 years of age - 521,700 women (27.4 per cent); over 60 years of age - 487,100 women (25.6 per cent).

87. The job market in Georgia is disorganized owing to structural changes in the economy and the difficulties of the transitional period, on the one hand, and imperfections in the mechanism for State regulation of this area, on the other. It is therefore difficult to give a complete picture of job-market situation.

88. During the transitional period, the level of male employment as compared with female employment has been stabler, since women have found it harder to adapt to the new economic conditions. In the sphere of production, there are 292,400 unemployed women. The high level of unemployment among female production workers can be explained in part by the closure of enterprises of the light, food and chemical industries, which are traditionally "women's" branches of production. Many women have lost their jobs as a result of reforms in the areas of health and education. Unemployment studies conducted by sociologists have revealed an extremely low level of female participation in entrepreneurial activities.

89. There is no recorded evidence of significant violations of women's labour rights in Georgia. However, it can be assumed that such violations exist in the

non-State sector of the economy since this area is not yet fully covered by legislation. Georgian legislation does not protect the rights of women engaged in unremunerated work in the home.

90. Throughout the country, women head 428,600 (35.9 per cent) economic units, of which 262,800 (40.7 per cent) are in towns and 165,900 (30.2 per cent) are in the countryside.

91. At present, Georgia is preparing a national employment programme, a major part of which is the comprehensive programme to ensure female employment and improve working conditions for women.

Article 12

92. For information on State health policy, see Georgia's initial report on implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.37, paras. 240-305).

93. The main emphasis of Georgia's programme to combat AIDS is on prevention. The new concept of ways to combat AIDS has brought about a change in priorities and a reorientation of the relevant services in Georgia. In particular, restrictions and prohibitions on, and coercive measures against, certain population groups have been replaced by a policy based on trust and cooperation; mass screenings and strict epidemiological supervision have given way to awareness campaigns and measures to promote a healthy lifestyle. The Department of Public Health and the National AIDS and Clinical Immunology Centre are involved in implementing the programme to combat AIDS.

94. According to 1998 data, 48 HIV-infected persons have been officially registered in Georgia; four of them are women. Experts believe that this figure does not give a true picture of the spread of AIDS in Georgia. They estimate that the actual number of infected persons in Georgia is as high as 900. Georgia is considered a high-risk area from the point of view of the spread of AIDS.

95. The screening of persons with clinical symptoms of AIDS who are in contact with carriers of the HIV infection or who belong to a high-risk group is conducted at 11 regional AIDS and clinical immunology centres, as well as in laboratories for diagnosing HIV/AIDS situated in various towns and districts.

96. In May 1997, the Department for Maternal and Child Health attached to the Ministry of Health was established. The Department is responsible for carrying out measures under the relevant medical programme and for coordinating work with non-governmental organizations and other structures, and so on.

97. In 1997, 1,429 obstetricians and gynaecologists were employed in Georgia's general-health institutions, which have a total of 4,469 beds (obstetrical, complicated pregnancies, gynaecological disorders, abortions). Maternal and childcare is provided at 1,691 facilities, including 1,084 outpatient clinics. There are in Georgia four obstetrics/gynaecology departments, as well as research institutes for perinatal medicine and obstetrics and gynaecology, generative functions and human reproduction.

98. The licensing of medical institutions ensures the appropriate level and quality of medical assistance. In this area, the State assumes responsibility. At present, 30 maternity homes (with women's consultation clinics) and 14 women's consultation clinics have received licences in Georgia.

99. In view of the problematical situation in the area of family planning and reproductive activity in Georgia, the Ministry of Health, together with the World Health Organization (WHO) and the United Nations Population Fund, has prepared a programme for developing Georgia's reproductive health services. The programme, which will be implemented over a period of two years, provides for the establishment of 20 specialized offices and the training of 300 specialists in this field.

100. Presidential Decree No. 284 of 3 June 1997 on measures to strengthen human rights protection in Georgia states that, with a view to improving women's health and reducing the number of abortions, it is necessary to develop a national family planning and reproductive health programme, ensure the provision of contraceptives to specialized medical institutions and pharmacies and popularize contraceptives in the media.

101. In May 1997, a national family planning forum was held in Georgia. One of the objectives of the forum was to promote modern methods of contraception and reduce the number of abortions. In Georgia, the problem of induced abortions is rather serious. Thus, in 1996 there were 24,136 abortions, including 1,277 among under-age girls (15 to 19 years of age). Four criminal cases involving illegal abortions were instituted in 1997 and legal action was taken against four persons. It should be noted that, in the case of illegal abortions, as in the case of serious crimes, the investigation is conducted only by the Office of the Public Prosecutor. The performance of an illegal abortion is punishable by imprisonment for a period of up to five years; if the abortion is performed by a physician, the physician loses his right to practise medicine for a period of up to five years.

102. The difficult social, economic and political situation in Georgia has had an impact on women's and children's health: among the entire population, the birth rate is declining while maternal and child mortality is increasing. Moreover, a process of depopulation has begun in certain districts of the country.

103.

Years	Number of births	Birth-rate coefficient	Maternal mortality	Infant (0-1 year) mortality	Infant mortality indicator
1990	92 815	17.0	38	1 469	15.9
1991	89 091	16.6	33	1 220	13.7
1992	72 631	14.9	34	918	12.4
1993	61 594	12.6	22	1 129	18.3
1994	57 311	11.8	18	900	15.7
1995	56 341	11.6	30	738	13.1
1996	53 300	11.0	31	917	17.8

Source: The Department of Social and Economic Information and the Department of Medical Statistics.

104. Deaths are registered on the basis of the relevant joint order of the Ministry of Health, the Ministry of Justice and the Department of Social and Economic Information. The same order calls for the periodic establishment of the causes of death. At the recommendation of WHO, a 22-week-old fetus with a body mass of 500 grams (these indicators were formerly 28 weeks and 1,000 grams) is considered viable. Deaths are registered by place and time of death and age of the deceased, with an indication of the cause of death; ethnic origin and other data are not indicated.

105. In 1996, the highest mortality indicators were recorded in Ajara (27.1), Racha-Lechkhumi (26.4), Shida Kartli (25.2) and Tbilisi (23.8); the lowest were recorded in Kharagouli (18.1) and Rustavi (17.3). As compared with 1995, the mortality indicator rose in four towns and 21 districts and fell in one town and 15 districts.

106. The principal cause of infant mortality is pathology among newborns (60 per cent); this is followed by pneumonia (14 per cent), stomach infections (3 per cent), acute respiratory disease (3 per cent), diseases of the nervous system (2 per cent), accidents (1 per cent), sepsis (1 per cent) and so forth. Of the 917 infants (0 to 1 year of age) that died in 1996, 141 (15.3 per cent) died at home; of the 75 children (1 to 2 years of age) that died during the same period, 66 (88 per cent) died at home, which is a very high indicator and points to the inadequacy of the outpatient clinic network in the various regions of the country.

107. In 1996, there were 695 stillbirths (12.9 per thousand), which was twice as high as the 1995 indicator; there was also a twofold increase in perinatal mortality indicator. In the early neonatal period, 599 infants (11.3 per thousand) died, which is 3.15 per thousand higher than the corresponding 1995

indicator. The causes of death were: pneumonopathy, atelectasis, birth injuries, asphyxia, pneumonia, anomalies and so forth. During the neonatal period, 716 infants (13.5 per thousand) died, which was 3.6 per thousand higher than in 1995.

108. The dynamics of the above-mentioned indicators was to a large extent caused by insufficient neonatal services. The increase in the number of stillbirths and deaths in the home are indicative of the inadequacy of children's outpatient clinics and women's consultation clinics. The Ministry of Health is taking practical measures to redress this situation.

109. Over the past two years, the maternal mortality indicator has fluctuated between 54.7 and 55.6 per 100,000 live births. The principal causes of death are: haemorrhage (40 per cent), histolysis (eclampsia and pre-eclampsia) (22 per cent), thromboembolic complications, extragenital diseases and others. The highest maternal mortality indicator was recorded in Tbilisi, Kvemo Kartli, Imereti and Samegrelo (Mingrelia). Although the State provides regular medical care and obstetric assistance to pregnant women, a considerable number of women are not registered in women's consultation clinics and are thus deprived of an opportunity to be kept under supervision and treated in the early stages of pregnancy for probable childbirth complications; this ultimately has a negative impact on maternal mortality indicators.

110. There are no statistical data on industrial accidents. In the general indicator for work-related injuries, women account for 2.5 per cent, and they account for up to 40 per cent of persons suffering from occupational diseases.

111. Since May 1996, the Ministry of Health has been implementing a State programme to combat drug addiction. This is one of Georgia's most serious problems. According to data of the drug-abuse research institute, 3,777 drug addicts, including 91 women, have been registered. According to the data of a number of researchers, those figures do not reflect the real situation. The drug-abuse service, which is just being set up, is not yet in a position to combat this phenomenon. In order to redress this situation, Georgia since 1997 has been establishing drug-abuse examination services (in regional centres and in some towns and districts). In 1997, examinations conducted in Tbilisi alone revealed 1,527 drug addicts, including 15 women. Following the recommendations of WHO, the Ministry of Health has prepared guidelines for a national programme to combat the spread of drug addiction and illicit drug-trafficking. The institution of year-long active monitoring of users of narcotic substances and the establishment of expert drug-abuse services responsible for prevention, diagnosis, treatment, rehabilitation and monitoring are planned for 1998.

112. According to information provided by the Ministry of Internal Affairs, in recent years there has been a trend towards involving women in the spread of narcotics. In 1996, 54 women were found to be involved in illicit drug-trafficking; in 1997, the number of women engaged in such activities rose to 111. Most of these women were involved in contraband and the production of narcotics. Three female residents of Georgia were arrested in Turkey for drug addiction.

Article 13

113. In accordance with the order of 24 November 1997 issued by the Ministry of Health, the Ministry of Social Protection, the Ministry of Labour and Employment and the Ministry for Refugee and Resettlement Issues, beginning in 1998 single mothers with dependent under-age children will be included in the category of needy persons and will receive medical insurance policies free of charge. According to the Tax Code, as of January 1998 single mothers will be exempt from income tax. They shall receive monthly social assistance in the amount of 9 laris, provided that they are non-working pensioners and do not have legally recognized breadwinners. In addition, on the basis of decisions taken by special commissions established by local government bodies, needy single mothers may receive social assistance from the State.

114. Under the Civil Code, women have the same right as men to conclude any agreements on their own behalf and to own, manage and dispose of property. This right arises from the provisions of article 21 of the Constitution, according to which the right to property and inheritance is guaranteed to all persons on an equal basis. Women have the right independently to receive financial services (credit, loans) without having to obtain anyone's permission.

115. Women are free to engage in sports; however, the deterioration of the overall situation in the country has resulted in a sharp decline in the number of sportswomen. The lack of conditions for improving sports skills has forced a number of well-known sportswomen to leave the country. The resources that are allocated for sports, including women's sports, are sufficient only to support half of the national (representative) teams. No resources are allocated for work with reserves. Although there have been a number of government decisions, mass sports receive practically no support from the State and there are no community-based physical-education activities.

116. In its policy in the areas of culture and science, the State considers that everyone has the right to make use of cultural and scientific achievements, as well as the right to creativity, and that culture and science should contribute to the all-round development of the individual and affirm his or her worth, and inculcate respect for human rights and freedoms. Culture and science should give individuals an opportunity to live and work in a free society and should promote mutual understanding, tolerance and friendship among peoples and racial, ethnic and religious groups.

117. Women are fairly active in Georgia's cultural life. Recently, on the initiative of the most prominent female cultural figures, Georgia held a number of national and international cultural events, such as international competitions of pianists, vocalists and film-makers. In 1997, the charitable organization Trety vozrast (Third Age) was established with the support of the Government and the Ministry of Culture; the organization provides care for ageing cultural figures. In recent years, special attention has been given to the cultures of ethnic minorities. A special commission attached to the Ministry of Culture has been established for this purpose.

118. Twelve thousand seven hundred eighty-two women are employed in the field of culture, including 3,490 in cultural and educational institutions (museums,

libraries, houses of culture, clubs, parks and so forth); 1,704 in State theatres and concert organizations; 7,278 in creative higher and secondary specialized educational institutions and schools; and 310 in the central and territorial administrative machinery.

119. However, Georgia has not been able to satisfy all the cultural needs of women. The fact is that, owing principally to a lack of resources and high prices, most women do not have an opportunity to enjoy cultural activities: to attend concerts, go to the theatre, visit museums and so forth. Low salaries have forced many workers in the field of culture, including women, to leave their jobs and seek other sources of income. The pay rise for the staff of the Ministry of Culture, which took effect in 1997, has not resulted in significant improvements, since workers do not receive their salaries for months at a time.

Article 14

120. According to data from the State Statistical Department, 1,069,000 women, or one quarter of the country's population, live in the countryside (1,282,000 live in towns). Women account for 42 per cent of all agricultural workers. It should be noted that, during Georgia's implementation of its land reform, the number of agricultural workers rose; the total number of agricultural workers in 1997 was 1,278,000, of which 537,000 were women.

121. The State programmes being implemented by Georgia in diverse areas, information about which is provided in this report, deal with rural and urban women to more or less the same extent. The same holds true for legislation currently in force in Georgia and existing practice. Differences in the social and economic status of women living in towns and those living in the countryside are the result of macroeconomic and macro-social factors. Rural women live in less favourable conditions; however, this does not provide any grounds for concluding that there is discrimination against this category of women.

Article 15

122. A considerable amount of information on the legal status of women as compared to that of men under civil law has been provided above. It should be added here that, according to article 22 of the Constitution of Georgia, "anyone who is lawfully within Georgia has the right to free movement across the whole of its territory and free choice of a place of residence".

123. Women have the right to appear in court on their own behalf both as plaintiffs and defendants. There are no restrictions on women appearing in courts as lawyers, prosecutors, judges or jurors, or testifying in any case. No restrictions of this kind in any of the aforementioned areas have been observed in practice.

Article 16

124. Article 36 of the Constitution states: "Marriage is a voluntary union founded on the equality of rights and the free will of the spouses. The State promotes the welfare of the family. The rights of motherhood and childhood are protected by law."

125. The concept of 'family' implies the voluntary union in matrimony of a man and a woman, which has been registered with the relevant State bodies, with the resulting property and non-property (child-rearing, joint management of household) rights and obligations.

126. Georgia has a Marriage and Family Code. Articles 3 and 4 of the Code contain provisions that establish the equality of men and women in family relations and the equality of citizens in family relations.

127. Under article 5 of the Marriage and Family Code, the family is under the protection of the State. The Code provides that the mutual consent of the persons to be wed is required for the establishment of a family; such persons must also be of marriageable age, which in Georgia is 16 years for both men and women. Polygamy and marriage between blood relatives in direct line, between adoptive parents and adopted children and between incapable persons are prohibited (art. 18). Marriage and family relations are legally regulated only by the State (art. 6). The State does not create any obstacles to religious marriages, which have recently become quite common in Georgia.

128. The new Civil Code, which was adopted on 27 June 1997, includes a section on family law that expands on the provisions on the equality of personal and property rights and the obligations of spouses (Book V). Article 1115 of the Code stipulates that, in marital and family relations, any direct or indirect limitation of rights or the granting of direct or indirect advantages, particularly on the basis of sex, is prohibited.

129. According to the provisions of the Civil Code of Procedure, if a dispute between spouses cannot be settled by mutual consent, an action is brought before a court. In such cases, any discrimination on the basis of sex is prohibited.

130. Divorce is permitted on the basis of an application submitted by either of the spouses in accordance with the relevant procedures. This procedure is obligatory regardless of which spouse submits the application that begins divorce proceedings.

131. Under the Civil Code, parents are responsible for protecting the rights and interests of their under-age children (art. 1198, paras. 1 and 2). Parents have equal rights and share equal obligations with respect to children. Even after they are divorced, parents take joint decisions on questions of child-rearing. Such obligations include support of their under-age children (arts. 1199 and 1212).

132. An innovation in the Civil Code is the provision on the marriage contract.

133. Under article 1158 of the Code, property acquired by the spouses in the course of their marriage is their joint property unless their marriage contract stipulates otherwise. The spouses have joint ownership of property also in cases where one of them is occupied full-time in the home and with childcare or for some other valid reason does not have an independent source of income.

134. Under article 1160, property that is jointly owned by the spouses is disposed of at their consent, regardless of which spouse disposes of the

property. The spouses may independently dispose of their personal property (property that each spouse owned before marriage, inherited or received as a gift).

135. Questions of adoption are governed by the Civil Code and the Marriage and Family Code, according to which spouses may adopt a child together. If one of the spouses adopts a child, the consent of the other spouse is required.

136. Article 1151 of the Civil Code states that the rights and obligations of spouses arise only as a result of marriages registered in registry offices, which accordingly affects the rights of a woman in the case of the death of a partner to whom she was not officially married.

137. When a dispute arises between spouses with under-age children and who wish to divorce, the divorce case is considered by a court as a civil suit. At the request of both or one of the spouses, the court is obliged to consider, in addition to the divorce proceedings, the question of the division of property jointly owned by the spouses.

138. In the divorce proceedings, the spouses decide by mutual consent with whom their under-age child will live. If they fail to reach agreement on where the child is to live after the divorce or on child-support costs, the court is obliged, in addition to the divorce, to determine with which parent the child will live, and which parent is responsible for child support and the amount of such support.

139. Under article 1136 of the Civil Code, divorced spouses have the right to remarry. In such cases, no distinctions are made on the grounds of sex.

140. The law recognizes two forms of inheritance: by law and by testament. Under inheritance by law, the wife, together with the children and parents of the deceased, is considered a direct heir and has the right to an equal share.

141. At the same time, the inheritance of the surviving spouse does not affect that part of the property belonging to that spouse on the basis of the provision on joint ownership by the spouses.

142. With regard to inheritance by testament, the spouse (wife) of the testator, regardless of the content of the testament, receives the obligatory share, which is not less than half of what she would receive under inheritance by law.

143. A similar procedure is followed for the children of the testator. Children born out of wedlock are considered heirs of their father if paternity is recognized in accordance with the procedure established by law.

144. The inviolability of personal and family life is guaranteed under articles 141 and 143 of the Criminal Code and article 10 of the Code of Criminal Procedure of Georgia.